

## Anti-Monopoly Review Guidelines on Operator's Concentration ????????????????

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Released on January 1, 2009 and effective as of the same date

Based on PRC Anti-Monopoly Law and the State Council's Administrative Regulation on Standards of Operator's Concentration ("AM-related laws"), operators that reach the criteria set under the AM-related laws are requested to report the concentration status to the Anti-Monopoly Bureau (AMB) of the Ministry of Commerce (MOFCOM).

These AM Review Guidelines address the operator's concentration administrative license process as follows:

- Applicants shall submit concentration filing documents to the AMB through the Administrative Affairs Service Centre (AASC). If these documents are found in compliance with the requests, AMB will issue a proof of registration document. Otherwise the filing documents will be returned to the applicants, or the applicants may be requested to submit supplementary materials.
- If requested supplementary materials are not submitted to AMB within a given period, applicants will be deemed as not having applied at all.
- The AMB will provide a preliminary review within 30 days after all documents are submitted and complete and will notify the applicants in writing of whether or not AMB will undertake a further review.
- If the AMB decides to undertake a further review, it will be completed within 90 days of that decision, after which the AMB will notify applicants of the outcome of the review.
- AMB will notify applicants in writing if it elects to extend the review period for up to a maximum of 60 days, and if:
  - 1) The operator agrees on extending the review time period; or
  - 2) The submitted documents and materials require further checking; or
  - 3) There has been a substantial change in the status of the operator since the time of initial filing.
- If the AMB's decision is approved by MOFCOM, applicants will be notified in writing. If the decision is made to prohibit an applicant from concentration, or if an applicant is made subject to restrictive conditions, such decision will be made known to the public.

These guidelines also provide a flow chart of the AMB's concentration review process in an easily digestible form.